

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

FREDERICK TUCKER,

Plaintiff,

v.

WARDEN GRADY PERRY, et al.,

Defendants.


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) **No. 1:23-cv-00037**
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ORDER

On December 10, 2024, the Magistrate Judge issued a Report and Recommendation (“R&R”) (Doc. No. 82) making three recommendations. First, the Magistrate Judge recommends that Timothy Tilley’s Motion to Dismiss (Doc. No. 69) be granted. Second, that Grady Perrys Motion for Judgment on the Pleadings (Doc. No. 64) be denied. Third, that James Franks be dismissed for lack of service of process. Over two months have passed, and Plaintiff Frederick Tucker has not filed any objections to the R&R. Because neither party objected to the R&R within 14 days of service, the Court is not required to review the matter independently. Thomas v. Arn, 474 U.S. 140, 150 (1985). Nevertheless, the Court has reviewed the R&R and agrees with the Magistrate Judge’s recommendation. Accordingly, the R&R (Doc. No. 82) is **APPROVED AND ADOPTED**. The Court rules as follows:

1. Defendant Grady Perry’s Motion for Judgment on the Pleadings (Doc. No. 64) is **DENIED**.
2. Timothy Tilley’s Motion to Dismiss is **GRANTED** (Doc. No. 69), and
3. Defendant James Franks is **DISMISSED WITHOUT PREJUDICE** in accordance with Federal Rule of Civil Procedure 4(m) because of lack of service of process.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
UNITED STATES DISTRICT JUDGE